

MINUTES
EAU CLAIRE CITY COUNCIL LEGISLATIVE SESSION

Tuesday, January 26, 2010

City Council Chamber

4:00 p.m.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Council President Kincaid called the meeting to order. The following members were present: Council Members Larry Balow, David Duax, Thomas Kemp, Kerry Kincaid, David Klinkhammer, Berlye Middleton, Jackie Pavelski, Bob Von Haden, Thomas Vue, Dana Wachs and Andrew Werthmann.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, January 26, 2010. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Kemp “to adopt the consent resolution”. Said motion passed by unanimous vote.

LICENSE

The Council considered a resolution granting a Temporary Class B Fermented Malt Beverage license to Silencer Soccer Club, Vang Kue Xiong, president, on February 6, 2010 at Eau Claire Indoor Sports Center, 3456 Craig Rd. for a Valentine’s Party. Thereupon a motion was offered by Council Member Wachs and seconded by Council Member Pavelski “to adopt said resolution”. Said motion passed by unanimous vote.

COUNTY JUSTICE CENTER

The City Council considered a resolution regarding the potential County Justice Center sites identified by the Select Committee to Recommend Preferred Building Sites. The Council had postponed action on this resolution at its previous meeting. The mover and seconder, Council Members Duax and Wachs, withdrew their motion to adopt the resolution. No other Council Member moved the item, so no action was taken on the resolution.

FINANCIAL SYSTEM

The Council considered a resolution approving the bid and proposal for Procurement No. 2010-12, Renewal of the Financial System Application Service Provider Agreement. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Vue “to adopt said resolution”. Said motion passed by unanimous vote.

INTERGOVERNMENTAL AGREEMENT

The City Council considered a resolution approving a Mutual Aid Box Alarm System (MABAS) agreement to provide for intergovernmental cooperation in large scale emergencies. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Middleton “to adopt said resolution”. Said motion passed by unanimous vote.

ECONOMIC RECOVERY ZONE

The Council considered a resolution designating the City of Eau Claire as a City-Wide Recovery Zone. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Balow “to adopt said resolution”. Said motion passed by unanimous vote.

HUTCHINSON TECHNOLOGY INCORPORATED

The City Council considered a resolution relating to industrial development revenue bond financing on behalf of Hutchinson Technology Incorporated. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Kemp “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution authorizing a waiver of Section 66.1103(11)(b)1, Wisconsin Statutes, relating to competitive bid requirements, in connection with industrial development revenue bond financing on behalf of Hutchinson Technology Incorporated. Thereupon a motion was offered by Council Member Wachs and seconded by Council Member Pavelski “to adopt said resolution”. Said motion passed by unanimous vote.

INDEMNIFICATION AND HOLD HARMLESS

The City Council considered a resolution approving an Indemnification and Hold Harmless Agreement with Tess Corporation and Robert Connor Holding Company L.L.C., for property in Sky Park. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Vue “to adopt said resolution”. Said motion passed by unanimous vote.

EMPLOYMENT AGREEMENT

The Council considered a resolution approving an amendment to the Employment Agreement between the City and City Manager Mike Huggins. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Middleton “to adopt said resolution”. Said motion passed by unanimous vote.

ANNEXATION

The City Council considered an ordinance in accordance with Section 66.0217 Wisconsin Statutes, annexing to the City of Eau Claire and particularly to the 11th Assessment Ward, 1st Aldermanic District, that part of the SE ¼ of the SE ¼, of the NE ¼, of the NE ¼, located

in Section 10-27-9, Town of Seymour, Eau Claire County, as shown on Planning Drawing No. 10-1A (Haselwander petition, property north of LaSalle Street, east of E Princeton Avenue). Thereupon a motion was offered by Council Member Balow and seconded by Council Member Klinkhammer “to adopt said ordinance”. Said motion passed by unanimous vote.

GENERAL DEVELOPMENT PLAN

The Council considered an ordinance amending the General Development Plan for R-3P zoned property west of Black Avenue and north of the North Crossing to allow Phase 5 of the multi-family development as shown on Planning File #Z-1413-10 Amd. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Kemp “to postpone consideration of said ordinance until such time as a recommendation comes forward from the Plan Commission”. Said motion passed by unanimous voice vote.

WATER STREET COMMERCIAL DISTRICT

The Council considered an ordinance amending the General Development Plan for CBDP zoned properties for the Water Street Commercial District as shown on Planning File #Z-1460-10. Thereupon a motion was offered by Council Member Wachs and seconded by Council Member Pavelski “to adopt said ordinance”. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Duax “to amend the General Development Plan as follows:

In Section 4-A, Paragraph 2, delete the phrase ‘except as provided below’ and insert the phrase ‘not to exceed 35 feet’.

Section 4-A, Paragraph 3 is eliminated in its entirety.”

Said motion to amend passed by the following vote: Aye: Council Members Balow, Duax, Kemp, Kincaid, Klinkhammer, Middleton, Pavelski, Von Haden, Vue, and Wachs. Nay: Council Member Werthmann. The Council then considered the ordinance as amended. Said ordinance was adopted by unanimous vote.

WATER STREET SIGN DISTRICT

The Council considered an ordinance amending the Water Street Sign District provisions of the Sign Code as shown on Planning File #Z-1461-10. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Vue “to adopt said ordinance”. Said motion passed by unanimous vote.

FLOOD PLAIN AMENDMENT

The City Council considered an ordinance amending the Flood Plain Chapter of the Zoning Code to adopt the Flood Insurance Rate Maps for Chippewa County as shown on Planning File #Z-1462-10. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Middleton “to adopt said ordinance”. Said motion passed by unanimous vote.

THORP DRIVE – PEDESTRIAN MALL

The Council considered an ordinance designating Thorp Drive, from Summit Avenue to Gilbert Avenue, as a Pedestrian Mall. Thereupon a motion was offered by Council Member Kemp and seconded by Council Member Werthmann “to adopt said ordinance”. Thereupon a motion was offered by Council Member Balow and seconded by Council Member Von Haden “to postpone consideration of said ordinance until such time as staff is able to bring forward cost estimates for the options”. Said motion to postpone failed by the following vote: Aye: Council Members Balow, Duax, Pavelski, Von Haden, and Vue. Nay: Council Members Kemp, Kincaid, Klinkhammer, Middleton, Wachs and Werthmann. Thereupon a motion was offered by Council Member Von Haden “to delete the words ‘prohibited or’ from paragraph one and the words ‘prohibit and’ from paragraph three, thus limiting, but not prohibiting, vehicular traffic”. Said motion was accepted by the mover and seconder as a friendly amendment. The Council then voted on the motion to adopt the ordinance as amended. Said motion to adopt failed by the following vote: Aye: Council Members Kemp, Kincaid, Klinkhammer, Wachs, and Werthmann. Nay: Council Members Balow, Duax, Middleton, Pavelski, Von Haden and Vue.

REZONING

The Council had first reading on an ordinance rezoning property located on the west side of Hwy. 53, about ¼ mile south of I-94, from TR-1A to C-3P and R-3P, and adopting the General Development Plan for commercial and multi-family development as shown on Planning File #Z-1463-10.

SIGN CODE

The Council had first reading on an ordinance amending Chapter 16.16 of the City Code of Ordinances entitled “Sign Code”, providing new provisions for temporary signs as shown on Planning File #Z-1464-10.

PAY PLAN

The Council had first reading on an ordinance amending the City Pay Plan, specifically those parts thereof pertaining to the position of City Manager. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Von Haden “to suspend the rules which interfere with the immediate consideration of said ordinance”. Said motion to suspend the rules passed by unanimous voice vote. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Von Haden “to adopt said ordinance”. Said motion passed by unanimous vote.

ADJOURNMENT

A motion was offered by Council Member Balow and seconded by Council Member Duax “that this meeting does now adjourn.” Said motion passed by unanimous voice vote.

Adjournment: January 26, 2010

Time: 5:58 p.m.

Kerry J. S. Kincaid, President

ATTEST:

Donna A. Austad, City Clerk